

EXHIBIT A

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

Case No. 1:23-cv-02662-HG

- - - - -x

JOAN HARVEY, :

:

Plaintiff, :

:

- vs - :

:

DELTA AIR LINES, INC., :

:

Defendant. :

- - - - -x

October 25, 2023

9:35 a.m.

101 Park Avenue

New York, NY

DEPOSITION UPON ORAL EXAMINATION OF
JOAN HARVEY, held at the above-mentioned time and
place, before Randi Friedman, a Registered
Professional Reporter, within and for the State
of New York.

1 J. Harvey

2 A He passed in 1983. He was in the
3 Marine Corps, so he got killed. I'm just -- I
4 can't do that.

5 Q Sure. Understood. I just wanted to
6 know the date, and you said it was 1983?

7 A Uh-huh.

8 Q Since that time, have you remarried?

9 A No.

10 Q Do you currently have a person who you
11 would consider a spouse or a partner?

12 A No, not now.

13 Q What's your date of birth?

14 A 3/24/55.

15 Q Where were you born?

16 A In Meriwether County.

17 Q What state is that in?

18 A Georgia.

19 Q What race do you identify as?

20 A Black.

21 Q Do you identify as any other races?

22 A No.

23 Q And I know that we talked about one of
24 your children. Your daughter. Do you have any
25 other children?

1 J. Harvey

2 as a nurse for these doctors to working at Delta?

3 A Because we used to do the physical
4 exams for the pilots when they came in, and they
5 would come in to get their eye exams and get
6 their heart rate exams, their EKGs. That's some
7 of the things they did at Dr. Calhoon's office.
8 They did extensive eye exams. All their
9 physicals were done yearly.

10 Q Okay. How did you get your job at
11 Delta?

12 A A pilot that I met at the time, he was
13 telling me that Delta was hiring and he said,
14 "Oh, you should apply." So I applied. And I was
15 hired.

16 Q What position did you apply for?

17 A Flight attendant.

18 Q And were you offered a job as a flight
19 attendant?

20 A Yes.

21 Q And you accepted that job?

22 A Yes.

23 Q When was that?

24 A In 1991.

25 Q Do you know who made the decision to

1 J. Harvey

2 Q When did you become a purser?

3 A I don't recall, but I was a purser at
4 Delta for the last 15 years. I don't know
5 exactly when I became a purser. I was an
6 inflight training. I was an instructor. I don't
7 remember -- I would say I don't recall the exact
8 date that I became a purser.

9 Q Do you know who selected you to become
10 a purser?

11 A They had a board panel. Such as what
12 we have now. We had to go through the interview
13 process to be a purser. Asked you questions.
14 You had to give a presentation to become a
15 purser. So it was through a panel of people.

16 Q Do you recall who was on the panel?

17 A Supervisors and base directors. I
18 don't know who all they were at this point.

19 Q Did you know personally any of the
20 people who were on the panel?

21 A No, I didn't know any of them.

22 Q But that panel did approve you to
23 become a purser; is that correct?

24 A Yes.

25 Q I would like to, as I said, discuss

1 J. Harvey

2 because I don't know that the outcome of my
3 ankle. It was just hurting me at the time. So
4 I'm thinking, okay, maybe tomorrow morning, it's
5 human nature to think that you might get better
6 or you might be able to work. So that was a time
7 difference for me. To say -- if I was at home,
8 to say, you know what, let me go to the doctor,
9 let me get my ankle checked out. But I was out
10 of the country, so it was different.

11 Q So when you got back to the hotel room
12 you did not take any steps to notify Delta that
13 you --

14 A It was late at night. I was not
15 calling anybody's room at 1 o'clock in the
16 morning. And I didn't think that with the
17 situation I had going on it was appropriate to be
18 calling because I didn't know the outcome of it.
19 It was just that my ankle was hurting, but I
20 didn't feel like it was necessary to call a
21 superior to say, "Hey, my ankle is hurting."

22 Q Why did you not think it was
23 necessary?

24 A At the time, because of the fact that
25 it had happened and I was nursing it and hoping

1 J. Harvey

2 that it would be better.

3 Q Okay. But you agree that the policy
4 says that you have an obligation to report an
5 injury right away?

6 A It says immediately notify a crew
7 member.

8 Q And you didn't do that?

9 A Not at the time. It says notify
10 Cedric. I was out of the country, so Cedric was
11 not available to notify them. It was 3 o'clock
12 in the morning. I don't think that was something
13 I would do out of the country. If I was in the
14 States I would immediately do that.

15 Q It's your understanding the policy
16 only applies if you're working inside the United
17 States?

18 A I'm not sure, but according to when
19 we're out of the country, we don't call Cedric.
20 We call SOS, which I did.

21 Q The first bullet here says immediately
22 notify your purser/flight leader, and you didn't
23 do that.

24 A I was a flight leader.

25 Q Did you notify the purser?

1 J. Harvey

2 Q And the phone calls that you made on
3 that morning of October 20, were they calls you
4 made from your cellphone?

5 A From my cellphone.

6 Q Did you try to make any calls from the
7 hotel phone?

8 A You can't make calls from the hotel
9 phone. I mean, how would you do that?

10 Q Was there a phone in your hotel room?

11 A It's not like that in Africa. You
12 can't just walk and pick up a phone. You have to
13 have a country code, you have to have money.
14 They don't make international calls unless -- I
15 don't even know how you would do that. In Ghana,
16 you have to go through the operator. How would I
17 make an international call from the phone?

18 Q Are you able to make calls between
19 rooms?

20 A You just dial 9 plus the room number.
21 But to make an international call you would have
22 to -- when we get to Ghana we don't have credit
23 cards to put on a phone for incidentals. So we
24 don't get to make phone calls. The only thing we
25 have are our cellphones.

1 J. Harvey

2 Q Did you try to call the purser in her
3 room?

4 A I did.

5 Q Using the hotel phone?

6 A I did. When people are in Ghana they
7 go out on their own. They go out to visit. They
8 go on tours. She didn't answer her phone in her
9 room.

10 Q Did you attempt to call the pilot
11 using your hotel phone?

12 A I did. I called everybody that I
13 could call, four of the crew members. Nobody was
14 in their rooms.

15 Q Those were calls you made on the hotel
16 room phone?

17 A Hotel room.

18 Q Did you also try to call those
19 individuals using your cellphone?

20 A I didn't have their personal numbers.

21 Q Did you attempt to call anyone at
22 Delta, back in the United States?

23 A Just 1-800 -- the inflight crew.
24 That's the only person. 1-800-325-2739, that is
25 the number you call when you call in scheduling

1 J. Harvey

2 or you call in to take yourself off on a trip,
3 that type of thing. I did that from my
4 cellphone.

5 Q You did that on the morning you woke
6 up?

7 A Yes.

8 Q Did you speak to anyone?

9 A I couldn't get through.

10 Q So what did you do next?

11 A I got up. I remember -- I don't know
12 what I did next because it was a long day and a
13 long night. I don't remember. I went -- I
14 remember going down to the lobby to get a bandage
15 for my leg. I remember that. And I went -- I
16 saw the incoming crew members and I spoke to
17 them. They asked me what happened to my leg and
18 I told them. And that was -- went to get a
19 bandage and to try to get my leg covered.

20 Q Do you remember the names of any of
21 the incoming crew members that you spoke with?

22 A Yes. Sharon. There was also Adedra.
23 And a couple more girls but I don't remember
24 their names.

25 Q Do you remember Sharon's last name?

1 J. Harvey

2 other attempts to contact Delta to let them know
3 about your injury?

4 A Yes.

5 Q What did you do then?

6 A I even used one of my friends' phone
7 because the internet was spotty. The internet
8 wasn't working to use the Wi-Fi calling, and that
9 was the only calling service that we had.

10 Q Whose phone did you use to try to call
11 Delta?

12 A I didn't use it. One of the girls
13 that was downstairs was using her phone. She
14 just dialed it. She said, "I can't get through."

15 Q Did you speak to anyone at the front
16 desk about trying to get in touch with Delta?

17 A No, because they were -- at the front
18 desk, what happens mostly is you check in and
19 they give you your room keys. They are not
20 allowed to let us use their phones down there.
21 You can go to the operator. There's a
22 workstation that you have computers and you can
23 go up there and try to use the phone. They only
24 have it open at certain hours.

25 Q Did you go to that workstation?

1 J. Harvey

2 Q Did you have your phone with you at
3 the time?

4 A No.

5 Q Where was your phone?

6 A In my room.

7 Q Okay. Then what did you do next?

8 A Next I sat in the lobby for a little
9 while and then I thought, well, maybe I could go
10 to the -- it's not a spa. It's like a gym. I
11 said maybe I could get a bandage from over there.
12 As I was walking out, my leg started to hurt me,
13 so I sat down. When I sat down outside -- I was
14 sitting outside. It's an area, they call it the
15 pool area. So I sat there by the pool area. And
16 I said, well, I'll sit here for a little while so
17 then maybe I can hobble across to get the guy to
18 look at my leg.

19 Q Do you know what time it was when you
20 sat down at the pool area?

21 A I don't recall. I think it was
22 probably about maybe 2-ish. I don't recall.

23 Q What happened after you sat down at
24 the pool area?

25 A I sat there for about maybe 30

1 J. Harvey

2 A It's a nonalcoholic cider. It's kind
3 of like -- it's carbonated. It's thick. It's
4 like -- you know how you poor a Guinness? It
5 could look like a Guinness, but it's not. It's
6 what they call a malt.

7 Q What does malt mean?

8 A I don't know what it means.

9 Q So you ordered two malt ciders; is
10 that correct?

11 A Yes.

12 Q Was the malt cider on the menu for the
13 restaurant?

14 A I don't recall.

15 Q How did you know that the restaurant
16 served malt cider?

17 A Helen. She was saying they have the
18 malt cider. And I was like, okay. It was just a
19 normal thing. It wasn't something that, you
20 know -- you knew about or -- I don't even recall
21 how I know about it. I just remember I had it
22 before, so that's what we had.

23 Q And did you drink the malt cider that
24 was delivered to your table?

25 A I had -- I don't think I drank all of

1 J. Harvey

2 it. I had a sip of it. I didn't really -- you
3 know, I wasn't in a festive mood because of my
4 leg, so I really wasn't having lunch or dinner or
5 anything. I was surprised to have run into her
6 so I wasn't prepared to, you know, engage into
7 having dinner or anything like that.

8 Q Do you remember what kind of glass the
9 cider was served in?

10 A They serve them in clear -- it's like
11 a clear goblet type thing.

12 Q How do you know Helen?

13 A My hair. My hair is locks. In Ghana
14 we do a lot of locking hair. So she locks my
15 hair. She'll tighten it.

16 Do you know a lot about black hair?
17 I'm just asking because I don't want to confuse
18 you.

19 Q I just --

20 A It's a style. So at the root of it
21 you lock it. You use this needle and you lock
22 it. That's what she does. A lot of times she'll
23 come over and she does flight attendants' hair,
24 because there's a lot of black girls do the trip.
25 So she'll come over, she makes money that way.

1 J. Harvey

2 She's Ghanian. She makes money by locking hair.

3 Q How long have you known her?

4 A Ever since I started going to Ghana.
5 She was recommended as a great locktitan, so
6 that's why I started going.

7 Q Does she work at the hotel?

8 A No. She lives out in the city. She
9 comes back and forth to the city. She lives out
10 in the Accra area.

11 Q Accra?

12 A Uh-huh.

13 Q After Helen left, what happened next?

14 A I was sitting there with my leg up in
15 the chair. I was approached by a white man. He
16 came up to me, he asked me -- I can't recall what
17 he said at first. But he said, "I saw you
18 drinking." And I said I wasn't drinking. And
19 then he asked me did I intend to go back on the
20 trip with them. And I said my leg was hurting.
21 He started reading me the rules of the Delta's
22 policy about drinking on -- what he said,
23 something about hours before pickup. I said,
24 "Well my leg is injured. I'm assuming the
25 three-hour rule for my leg being -- from me

1 J. Harvey

2 hurting my leg and being taken off the trip is a
3 three-hour rule," because you have to call in
4 three hours prior to getting off your trip. So
5 that's what I was explaining -- well, I was
6 trying to tell him. And he was talking about me
7 drinking. He said, "Well, I saw the bartender go
8 pour you a drink and bring it to you." I said,
9 "No, I don't think you saw that." And he said he
10 did. And he said, "I'm about to go call the
11 purser and tell her." And he walked away.

12 Q At the time you did not know who this
13 person was?

14 A I did not know who he was.

15 Q Do you know who the person was now?

16 A Yes. He said -- well, they said he
17 was a pilot on a trip.

18 Q Do you recall if he identified himself
19 to you?

20 A No, he did not identify himself to me.

21 Q And at that time how long was it
22 before your flight was scheduled to depart?

23 A We didn't leave until 10 o'clock,
24 midnight. I was in my plain clothes. I
25 wasn't -- pickup time is like -- I think it was

1 J. Harvey

2 8:30. It's now 3 o'clock.

3 Q What time was the flight departing?

4 A 10:55.

5 Q Did the pilot say anything else to you
6 during the course of that conversation?

7 A No.

8 Q Did the pilot say anything to you
9 about your race?

10 A No.

11 Q Did he say anything to you about your
12 age?

13 A No.

14 Q And at the time the pilot approached
15 you, Helen was no longer at the table; is that
16 correct?

17 A She was no longer at the table.

18 Q Do you know if the pilot had been in
19 the pool area before he approached you?

20 A I'm assuming he was.

21 Q Do you know how long he had been in
22 the pool area before he approached you?

23 A The only time I noticed this man was
24 when Lauren came out and she said, "Hey girl" --
25 which was one of the flight attendants on our

1 J. Harvey

2 sitting there for a short time, when I walked
3 over -- she walked over, "Oh, I didn't know your
4 family was on the airplane." And I said, "Oh,
5 yeah. Somebody died, so they came over." And
6 she said, "Oh, I gave your nephew my number."
7 Well, I know she gave my nephew the number
8 because he told me that "I got one of the flight
9 attendants' number off the plane." So she was, I
10 guess, doing her thing. I don't know because --
11 that's what I was told.

12 Q How did that have anything to do with
13 your --

14 A I don't know, but that's what she said
15 to me.

16 Q Did she say anything else to you?

17 A No.

18 Q Did she say anything else to you about
19 your age?

20 A No.

21 Q Had you ever flown with Lauren before?

22 A No.

23 Q What's your nephew's name?

24 A Felix.

25 Q And when did your nephew tell you that

1 J. Harvey

2 They went out to a place called -- wow, it's way
3 outside of the city. Kind of like in the jungle.
4 They have a lot of villages. So they wasn't in
5 the city.

6 Q Did Judy ask you what had happened
7 with the pilot by the pool?

8 A I don't believe she did. Not that I
9 remember, no.

10 Q Did you say anything to Judy about
11 that incident?

12 A No. After she told me I was removed
13 from the trip, I tried to call Delta.

14 Q Okay. I want to -- the conversation
15 that you were having with Judy, did you discuss
16 what happened at the pool?

17 A I don't remember discussing anything
18 that happened at the pool. I just remember she
19 told me that. I remember she did say, "Hold on a
20 minute." And I think she was talking to someone
21 at Delta. Then she came back and said, "Oh, I'm
22 sorry, Joan, they removed you from the trip."

23 Q Did she say anything else to you?

24 A No.

25 Q Did she make any comments about your

1 J. Harvey

2 race?

3 A No.

4 Q Did she make any comments about your
5 age?

6 A No.

7 Q And then after you spoke with Judy you
8 contacted Delta?

9 A I tried to call Delta, and at the time
10 David Gilmartin called me.

11 Q Who were you trying to contact at
12 Delta?

13 A We have to go through a 1-800-325-2739
14 number to call Delta to speak to anybody.

15 Q That's a toll-free number?

16 A Yes.

17 Q Did you actually call that number?

18 A Yes.

19 Q And did you speak with anyone?

20 A My phone rang, so I talked to David.
21 It showed you he was calling. He was calling me
22 as I was calling them. He called me and I
23 answered.

24 Q Okay. Did you have a conversation
25 with David?

1 J. Harvey

2 A Yes.

3 Q What did you discuss?

4 A He told me I had been removed from the
5 trip because the pilot had called and reported me
6 as drinking four hours before pickup. He told me
7 that -- as I remember, he told me that -- oh,
8 God, I don't remember everything he said, but he
9 did make implications that the pilot had reported
10 me and that if I went through TSA, that I could
11 be arrested for drinking. And I said I wasn't
12 drinking. And he said, "Well, you've been
13 removed from the trip." He said, "I want you to
14 gather your things." And I said, "Well, I hurt
15 my ankle." I said, "I really would like to get
16 my ankle looked at. That's the reason I was
17 calling to be removed from the trip, because I
18 hurt my ankle. I couldn't get through." And he
19 said, "Well, I want you to come back on the
20 flight tonight." I said, "I'm unable to come
21 back on the flight tonight because I can't get my
22 foot in the shoe." And he said to me, "Well, I
23 had put you back on the flight -- on the rotation
24 as a deadhead flight attendant to come back to
25 New York." And I said, "Well, I would like to

1 J. Harvey

2 Q Did David, during the course of that
3 phone call, make any comments about your race?

4 A No.

5 Q Did he make any comments about your
6 age?

7 A No.

8 Q Was there anyone else on the call when
9 you spoke with David?

10 A He told me that somebody was on the
11 phone, but I didn't hear anybody.

12 Q That person did not speak?

13 A Not that I remember.

14 Q So after you hung up with David you
15 called your sister; is that right?

16 A Well, I was trying to call my sister.

17 Q After you got off the phone with
18 David, what did you do next?

19 A I called my sister.

20 Q Did you speak with your sister?

21 A No, I couldn't get through.

22 Q Did you leave a message for your
23 sister?

24 A I did.

25 Q What did you say on the message?

1 J. Harvey

2 A I don't know what he ordered.

3 Q You never discussed with the pilot
4 what he ordered?

5 A I didn't even know him.

6 Q But you did see him order food?

7 A He was eating, so I'm sure he had to
8 order it from somewhere. He got it from the
9 restaurant. He got it from somebody. So he had
10 to have ordered it.

11 Q If you're at the pool at the hotel,
12 where do you order the food from?

13 A Everybody orders the food from a
14 waiter or server that comes out. It's an outside
15 open bar. People are sitting in the pool.
16 People are having drinks in the pool. It's like
17 this room -- let's say it's two times bigger.
18 There's a pool out there. You're just sitting
19 around, doing nothing, with umbrellas. It's very
20 festive.

21 So if you're -- if I'm sitting looking
22 at you, you're a white man, most of the people
23 are black. So you see the white people out there
24 because it's mostly black people. So I'm sure he
25 saw me. When the girl said hi, he identified me

1 J. Harvey

2 through her. He didn't know me before that.

3 That man didn't know me from Adam. He wouldn't
4 even identify me now if he saw me.

5 Q Apart from the conversation you had
6 with the pilot about what you had ordered to
7 drink at the pool, had you ever had any other
8 conversations with him?

9 A No. I never seen the man. He came on
10 the flight, but at the time we all wore masks.
11 When you wearing a mask on the flight and the
12 pilot is briefing, you don't really know anybody.
13 You don't get to see their faces. You see their
14 eyes. You know them because they have on the
15 uniform. Once you take that uniform off, you
16 don't know anybody.

17 Q I just want to make sure this is clear
18 for the record.

19 Apart from the one conversation that
20 you had with the pilot that you've already
21 testified to, have you ever spoken with that
22 pilot?

23 A No.

24 Q Apart from the written statement that
25 is Exhibit G, did you collect any statements from

1 J. Harvey

2 place where he was.

3 Q Do you recall anything else that was
4 said during that meeting?

5 A She told me she was going to take me
6 upstairs and she was going to take my ID. They
7 would get back with me. She gave me a hug and
8 she said, "Put me on the plane."

9 Q Were you told during that meeting that
10 you were being suspended?

11 A He told me he was taking my ID and I
12 would be basically -- he would get back with me.
13 He would let me know the outcome of his
14 investigation. That's what she said to me. And
15 I asked her how did it work. She said sometimes
16 it takes 45 days, sometimes it's 30 days. That's
17 all that I remember her telling me. I don't
18 remember what David said because David was on the
19 train.

20 Q Did David say anything to you during
21 that meeting that was about your race?

22 A Basically, I couldn't hear much of
23 what David said because David was on the train.
24 He was not in the meeting.

25 Q Did you hear David make any comments

1 J. Harvey

2 that were about your race?

3 A I didn't hear anything about my race.

4 Q Did you hear anything during that
5 meeting about your age?

6 A Not that particular meeting.

7 Q Okay. Were you ever told that you
8 were being suspended from Delta?

9 A I was told that when they took my ID
10 that means that you're suspended.

11 Q Did someone specifically say that to
12 you?

13 A In the letter that they sent me, yes.

14 (Defendant's Exhibit I was
15 marked.)

16 Q Ms. Harvey, I'm showing you what's
17 been marked as Exhibit I. It is a one-page
18 document Bates stamped Delta 166.

19 Do you recognize this document?

20 A Yes.

21 Q What is it?

22 A It's a document saying that I was
23 suspended.

24 Q And this document -- when was this
25 document provided to you?

1 J. Harvey

2 MR. DiGIULIO: We can take all of
3 that up afterwards. We note your position.

4 BY MR. FLEMING:

5 Q At the time that you spoke with
6 Mr. Brimberry in EEO, had you already received
7 notice of your termination from Delta?

8 A Yes.

9 Q When were you told you were being
10 terminated?

11 MR. DiGIULIO: Objection, asked
12 and answered.

13 You can answer again if you want.

14 THE WITNESS: On December 6.

15 BY MR. FLEMING:

16 Q And how were you told?

17 A With a letter. My supervisor,
18 Mr. Sooknanan, and Ms. Andrea Meyerson flew to
19 Atlanta, and they took me in a room and they
20 pulled out a letter stating that they were going
21 to terminate me.

22 Q Did they say anything else?

23 A Not to my knowledge.

24 Q And did you say anything to them
25 during that meeting?

1 J. Harvey

2 terminating you because it believed that you had
3 lied to Delta?

4 A She just said -- she just blatantly
5 said, "You could have told the truth." She said,
6 "You were lying." I'm emotional at this point so
7 I don't hear anything. I'm not listening at this
8 point to say, like, what was -- I just remember
9 them giving me all -- they told me I could try to
10 go through the CRP. They told me I could resign
11 in lieu of termination. Whatever they wrote in
12 that letter is what they said.

13 Q Did anyone during that meeting make a
14 comment about your race?

15 A They made it clear that my age was a
16 problem -- was a difference, because they said I
17 could retire.

18 No, she didn't say anything about my
19 race.

20 Q Did anyone during the meeting make a
21 comment about your age?

22 A She didn't specifically say age, but
23 she told me I could retire.

24 Q Apart from telling you that you had
25 the option to retire?

1 J. Harvey

2 A No, she didn't mention my age.

3 Q And you said that they mentioned the
4 CRP process during the meeting; is that correct?

5 A Yes. Yes.

6 Q Before you are handed that exhibit,
7 did you submit something through CRP?

8 A Yes.

9 (Defendant's Exhibit N was
10 marked.)

11 Q I'd like you to take a look at what's
12 been marked as Exhibit N.

13 Do you recognize this document?

14 A Yes.

15 Q Is this the document that you
16 submitted through CRP?

17 A Yes.

18 Q And the handwriting on this form, is
19 that your handwriting?

20 A Yes.

21 Q The signature on the second page,
22 that's your signature?

23 A Yes.

24 Q And the date there is December 8th,
25 2021; is that right?

1 J. Harvey

2 and I don't know their names. I don't know
3 them per se.

4 BY MR. FLEMING:

5 Q Do you know of any other incident --

6 A No.

7 Q -- involving a flight attendant --

8 A No.

9 Q Please let me finish the question.

10 Do you know of any other incident
11 involving a flight attendant who was accused of
12 violating the eight-hour duty policy who you
13 allege was treated differently than you were?

14 A No.

15 Q Do you have any other reason to
16 believe that Delta's decision to suspend and
17 terminate your employment was based upon your
18 race?

19 A No.

20 Q And then you said that -- well, why is
21 it that you believe your termination --
22 suspension and termination were based on your
23 age?

24 A Because when they came in to me, they
25 said, "Well, we can offer you two things. You

1 J. Harvey

2 can either be terminated or you can be retired."

3 So to me, retirement has a lot to do with my age.

4 Q Apart from the fact that they made
5 that comment, did they say anything else about
6 your age?

7 A No.

8 Q And apart from the fact that they
9 referenced your age -- they referenced retirement
10 in connection with -- I'm sorry, was that in
11 connection with the termination discussion?

12 A Yes.

13 Q Did anyone mention retirement in
14 connection with the suspension discussion?

15 A Yes.

16 Q Who was that?

17 A Andrea Meyerson in the letter that
18 they stated. And she was with Kris.

19 Q When did that discussion take place?

20 A When they terminated me. They brought
21 the letter to the termination room. They had a
22 letter. I gave it to my attorney.

23 Q That's when they referenced
24 retirement?

25 A Uh-huh.

1 J. Harvey

2 Q Apart from that discussion, did anyone
3 at Delta discuss retirement with you?

4 A No.

5 Q And apart from the fact that
6 retirement was mentioned during the discussion
7 about your termination, is there any other reason
8 you believe that your termination was based on
9 your age?

10 MR. DiGIULIO: Objection to form.

11 You can answer.

12 THE WITNESS: Any other reasons
13 that I believe that?

14 BY MR. FLEMING:

15 Q Yes.

16 A That was the only reason.

17 Q Why is it that you believe that your
18 suspension was based on your age?

19 A My suspension was based on the fact
20 that he accused me of something, so that, to me,
21 was the racism part; you're accusing me. You
22 walk up to me and you see that I'm a black person
23 and you just take it -- hey, I'm lying and I
24 don't deserve any kind of policy or anything to
25 be given to me, so therefore, you dispose of me.

1 J. Harvey

2 still exists, that she take affirmative
3 steps to preserve it. It is plainly
4 relevant. It has not been produced to us.
5 I am going to keep this deposition open
6 because I think that we've been deprived of
7 certain material communications that the
8 plaintiff has that relate to her case.

9 MR. DiGIULIO: Understood. We can
10 take it up afterwards. I would like -- I
11 haven't taken notes for anything you've
12 asked for.

13 MR. FLEMING: I certainly will
14 follow up with a writing. I want to make
15 clear the reasons why we're going to have to
16 keep the deposition open.

17 MR. DiGIULIO: I understand.

18 BY MR. FLEMING:

19 Q Did you ever ask Helen Sampson David
20 to submit a statement to Delta concerning the
21 incident at the pool at the hotel?

22 A She did.

23 Q Did you ask her to submit that
24 statement?

25 A Yes.

1 J. Harvey

2 you, have you ever exchanged any other emails
3 with Helen Sampson David about the circumstances
4 of your termination from Delta?

5 A No. I gave that email to
6 Mr. Brimberry, I believe.

7 MR. FLEMING: Okay. All right. I
8 just want to take a couple of minutes to go
9 back through my notes. We might be close to
10 done. I want to review and just make sure
11 there aren't other things I need to follow
12 up on. Can we take, like, ten?

13 MR. DiGIULIO: Sure.

14 (Whereupon there was a brief
15 recess from 2:42 p.m. until 2:52 p.m.)

16 BY MR. FLEMING:

17 Q Ms. Harvey, apart from what we've
18 already discussed today, are there any other
19 communications that you've had that relate to the
20 termination -- the circumstances of your
21 termination from Delta that you've not provided
22 to your attorneys?

23 A No. And I'm not speaking over you,
24 but Helen is a hairdresser. She's a little
25 Ghanian girl. She's 22 years old. Our main

1 J. Harvey

2 conversations were "When are you coming back to
3 Ghana, when are you going to get your job back,"
4 but nothing regarding the case or the claim. She
5 doesn't even know what a lawsuit is. She speaks
6 tribal -- I mean, they have a dialect over there.
7 It's a Ghanian dialect. It's not something --
8 most times she texts me, it's about money. Can
9 you send me -- \$25 to them is like \$300. So it's
10 not anything about a case or anything that
11 somebody's going to read through and say, oh,
12 yeah -- she's never even been to the United
13 States. So that's why I was saying that, yeah,
14 when you ask me, yeah, I text her, yeah, we text,
15 but it's mostly just girly talk text. It's
16 nothing to do with this case.

17 Q But you did have an email exchange
18 with her about the meal that you two had at the
19 pool at the hotel; is that correct?

20 A She wrote me a statement saying that
21 she was there.

22 Q Yeah. Apart from that email that she
23 sent to you, did you have any other written
24 communications with her about the circumstances
25 of your termination from Delta?

1 J. Harvey

2 A No. The email she sent to me, because
3 they don't have internet, she has to go to what
4 they call an internet bar. An internet bar is a
5 place where you go if you don't have internet in
6 your home. A lot of people don't have internet.
7 They have to pay to go to the internet bar. She
8 asked me for the money to go to the internet bar,
9 to take an Uber to send me the statement. That's
10 the conversation we had about the statement that
11 she sent.

12 Q And did you give her money to do that?

13 A That was the only way she could get to
14 the internet bar.

15 Q How much money did you give to her?

16 A I think it was \$35. I have that also.

17 Q You have what? What does that mean?

18 A When you send mobile money, you have
19 to send mobile money to their phone. I have
20 that, to show that I sent her the mobile money to
21 go to the internet bar. But that wasn't anything
22 that was conducive to the case.

23 MR. FLEMING: Counsel, we
24 definitely call for the production of the
25 documents of any financial exchange between